



1617
#12
3/13/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tommy Ekstrom
Serial No. : 09/367,950
Filed : August 18, 1999
Title : NEW USE

Art Unit : 1617
Examiner : J. Kim

RECEIVED

FEB 04 2002

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

RESPONSE

In response to the action mailed September 25, 2001, Applicant requests reconsideration in view of the following remarks.

REMARKS

Claims 13-34 are in the case.

Claims 13-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Carling in view of Vanzielegghem et al. (Vanzielegghem) and Sykes et al. (Sykes).

Carling has been discussed at length in Applicant's previous response. The Examiner concedes that Carling does not teach instructing a patient to inhale the claimed composition on demand, as determined by the patient based on the patient's symptoms, to provide short-term relief of asthma symptoms, i.e., instructing the patient to use the composition as a rescue medication. However, the Examiner asserts that this teaching is supplied by Vanzielegghem and Sykes.

Vanzielegghem describes a study in which participants were instructed to inhale budesonide as needed to treat allergic rhinitis, up to four times per day. Sykes describes a study in which the duration of the bronchodilator effect of formoterol was studied in comparison to

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

December 26, 2001

Signature

Julia Delanty
Julia Delanty

Typed or Printed Name of Person Signing Certificate